IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.25674 of 1997

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Dated: 8th August 2005

Between:

The Management of S.A.Elementary Schools,

Tenali, Guntur District. …Petitioner

And

The Government of A.P.

Rep by its Secretary, Education Department,

Secretariat, Hyderabad and others. ..Respondents

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

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W.P.No.25674 of 1997

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ORDER:

This writ petition is filed seeking Writ of Certiorari calling for the records relating to the Proceedings Rc.No.1626/B2-2/96-1 dated 5-6-1997 and Rc.No.1287/B2-2/96 dated 6-6-1997 from the file of the 2nd respondent and consequently to set aside the said proceedings declaring as arbitrary and illegal.

On the ground that the petitioner committed irregularities in the matter of making appointment and selection of S.G. Teachers under their control, the 2nd respondent issued the impugned proceedings. The following irregularities are pointed out in the impugned order:

1. *While notifying the vacancies to the Employment exchange for sponsoring the candidates they have not indicated roster points for furnishing the list of candidates and also in the paper notification inviting the applications from the candidates.*

2. *The failed to obtain clearance certificate from the Employment Exchange to the effect that there are candidates to sponsor in Live Register before issuing paper notification.*

3. *They have not followed communal roster points while selecting and appointing the candidates.*

It is the contention of the learned counsel for the petitioner that the main irregularity pointed out by the 2nd respondent in the impugned order with regard to appointment and selection of S.G. Teachers is that they did not call for names from the Employment Exchange. He submitted that calling for names from the Employment Exchange for appointment is one of the modes of recruitment and that is not an end by itself having regard to the judgment of the Supreme Court in ***Vishnuwank Visweshar Rao Vs. State of A.P*** wherein it was held that calling for names from Employment Exchange is one of the modes for recruitment. He submitted that since the petitioner selected and appointed the S.G. Teachers by notifying the posts in newspapers, no irregularity in the matter of selection and appointment of S.G. Teachers can be alleged against them. At any rate, he submitted that some of the S.G. Teachers, who were selected and appointed by the petitioner, filed writ petitions assailing the action of the respondents seeking to interfere with their selection and appointment, and one such writ petition being W.P. No. 21023 of 1996, was disposed of by this Court by order dated 16-2-1998

following the judgment in W.P.
No. 14307 of 1992, dated 29-3-1993.

Though the writ petition was admitted as far back as on 1-10-1997, no counter affidavit is filed till date.

The impugned order merely calls for an explanation from the petitioner to explain the irregularities pointed out therein. The petitioner without submitting his explanation has filed this writ petition. Be that as it may, some of the candidates selected and appointed by the petitioner, are said to have filed writ petitions, and one such writ petition being W.P. No. 21023 of 1996, dated 29-3-1993, was disposed of following the judgment of this Court in W.P. No. 14307 of 1992, dated 29-3-1993, as it was conceded by the learned Government Pleader for School Education that the subject-matter of the writ petition was squarely covered by the said judgement.

> *"Following the said Judgment, this writ petition is allowed. No costs. It is further directed that the case of the petitioner shall be considered for approval in the light of the Judgment of the Supreme Court in* ***Visnwank Visweshar Rao Vs. State of A.P (1) 1996 (6) Scale 676*** *and his pay shall be fixed in accordance with the Rules. The respondents are directed to complete the Rules. The respondents are directed to complete this exercise within two months from the date of receipt of a copy of this order ".*

Now that the cases of the candidates selected and appointed by the petitioner were directed to be considered for approval in the light of the judgment of the apex Court in ***Visnwank Visweshar Rao Vs. State of A.P (1) 1996 (6) Scale 676*** and now that the petitioner is contending that the selection and appointment of S.G. Teachers made by them is squarely covered by the above judgment of the apex Court, and having regard to the fact that the impugned show cause notice merely calls upon the petitioner to explain the irregularities, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner management is directed to submit its explanation to the impugned show cause notice with the relevant papers to the Commissioner, School Education, within two months from the date of receipt of a copy of this order, and on filing such explanation, the Commissioner is directed to consider the same in the light of the judgment of the Supreme Court in ***Vishnuwank Visweshar Rao Vs.***

State of A.P Vishnuwank Visweshar Rao Vs. State of A.P and pass appropriate orders within one month thereafter.

Accordingly, the writ petition disposed of. No costs.

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(N.V.RAMANA, J)

08th August, 2005

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